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TO UN SECURITY COUNCIL COLLECTIVE IMMEDIATE

INFO ARAB LEAGUE COLLECTIVE IMMEDIATE

RUEHTRO/AMEMBASSY TRIPOLI IMMEDIATE 1597

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C O N F I D E N T I A L SECTION 01 OF 04 STATE 073171

SIPDIS

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TAGS: IS LE PREL SY UNSC

SUBJECT: DEMARCHANTING UNSC MEMBERS ON THE ARAB GROUP DRAFT
RESOLUTION ON ISRAELI SETTLEMENTS

Classified By: IO A/S Brian Hook for reasons 1.4(b) and (d)

¶1. (U) This is an action request for all UNSC posts except Tripoli. Please see paragraph 2. Embassy Moscow also see paragraph 4.

¶2. (C) Summary and Action Request. The Arab Group at the UN in New York has been circulating in recent weeks a draft Security Council resolution on Israeli settlement activity in the West Bank. The U.S. strongly prefers that no resolution be introduced or adopted at this time due to the sensitive nature of ongoing bilateral negotiations between Israel and the Palestinian Authority, and the unlikelihood that the Council could produce a balanced text. Ambassador Khalilzad met with PermReps of the Arab Group on July 7 in New York to discuss our views. He obtained their agreement to wait for 48 hours, and to negotiate on a more comprehensive text based on additional elements we recommended, which expanded the scope of the draft resolution beyond the issue of Israeli settlements (see paragraph 6 below). However, the Libyan delegation, as Council member, is pushing to move forward without further negotiations and circulated a revised draft (see paragraph 7 below), which includes only some of our elements and in modified form. They plan to put the draft into final form ("in blue") as early as the afternoon of July 8, for a vote as early as Wednesday, July 9. Action Addressees except Tripoli are requested to demarche host country officials at the highest appropriate level drawing on the points in para 3 below to ask that they instruct their mission to the UN in New York to join us in urging the Arab Group not to present its draft before negotiations are complete. If the Arab Group nevertheless goes ahead and tables the resolution before such negotiations are complete, we ask that they not support the resolution. Additional background and points for Moscow are provided in paras 4 and 5 below.

¶3. (U) Talking Points for UNSC Members (except Libya))
Points should not/not be left behind as a non-paper:

-- We have long-standing concerns about UN Security Council involvement in the Israeli-Palestinian conflict while bilateral negotiations are underway. We were thus concerned when the Arab Group in New York circulated a draft UNSC resolution focused on only one aspect of the conflict, Israeli settlement activity.

-- Secretary Rice was in Jerusalem June 14-16 for a series of trilateral talks with the PA and Israel. These talks are difficult and, at the request of the parties, are proceeding confidentially, but they are covering the core issues, including settlements. The U.S. also continues to voice its concerns regarding settlement activity to the Israeli government at the highest levels.

-- The Quartet met in Berlin on June 14 to discuss recent developments. It noted its continuing concern over settlement activity, however only in the context of a

carefully balanced statement on the Roadmap requirements of both parties, not singling out one party or one issue. We believe the Council should not supersede this institution that it established to shepherd the peace process negotiations.

-- Nevertheless, in response to widespread interest among Arab states and others on the Council for a resolution that would underscore the need for Israel to halt its settlement activity, and in reaction to the Arab Group draft, we decided to negotiate in good faith by putting forward elements for a comprehensive UNSC resolution on the Israeli-Palestinian conflict.

-- Instead of engaging in a serious negotiation on our draft elements, the Arab Group has selectively chosen from among our points and has indicated it will put the text into final form (&in blue8) on July 8, without any further negotiation. The resolution may come to a vote in the Council as early as Wednesday, July 9.

-- If the Arab Group decides to move forward with its draft resolution without completing negotiations, the result will very likely be the same as has occurred before -- a divided Council that fails to reach agreement. Such an outcome will not help the current negotiations underway.

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-- We urge you to instruct your Mission to the UN in New York to participate in serious negotiations on the draft elements we have put forward, as well as all other proposals by other delegations, with a view to reaching a constructive outcome that addresses Roadmap obligations on all sides.

-- If the Arab Group forecloses the possibility for serious negotiations by insisting on a vote on its draft resolution, as is, we urge you to refuse to support that text.

¶4. (C) For Moscow only: Russian PR Churkin told Ambassador Khalilzad on July 7 that a group of Arab ambassadors in Moscow saw DFM Sultanov over the weekend to ascertain Russia's position on the draft settlements resolution. According to Churkin, Sultanov told them Russia did not want a divided Council, and that the Arab Group should seriously consider the U.S.-European elements. Churkin advised Ambassador Khalilzad that if the Libyan text came up for a vote, contrary to previous situations, he would need instructions from Moscow before taking a position. This may offer us a small window of opportunity to seek Russian opposition to the text. In addition to the points above, Mission should underscore the additional points at para 5.

¶5. (U) Begin additional talking points for Embassy Moscow only:

-- The Arab Group's attempt to force this issue into the Council ignores and potentially undermines the work of the Quartet, in which Russia is a key participant.

-- The U.S. and Russia share an interest in not encouraging non-Quartet members, acting with limited information, to put forward UNSC resolutions and then evade negotiations with Quartet members.

End Points.

¶6. (U) USUN circulated the following text to UNSC missions on July 7, 2007, recommending that elements be drawn from it as a basis for negotiation on the Libyan text.

Begin U.S. text:

Recalling its previous relevant resolutions, in particular resolutions 242 (1962), 338 (1973), 1397 (2002) and 1515 (2003) as well as the Quartet Performance-based Roadmap to a

Permanent Two-State Solution to the Israeli-Palestinian Conflict issued on 30 April 2003 (S/2203/529),

Reaffirming its commitment to a two-state solution to the Israeli-Palestinian conflict, negotiated between Israel and the Palestinian Authority,

Expressing its continued support for efforts to restore calm to Gaza and southern Israel and welcoming the period of calm that began on 19 June 2008,

Underscoring its dismay at the rocket attacks launched against civilians in southern Israel since 19 June 2008, noting the condemnation of these attacks by the Palestinian Authority, and urging that the calm be respected in full, while recognizing the right of States to self-defense, emphasizing the imperative to ensure that any military response is proportionate and in compliance with international law,

Reiterating the importance of a just, comprehensive and lasting peace in the Middle East, based on all its relevant resolutions, the Madrid terms of reference and the principle of land for peace, and stressing the importance of the Arab Peace Initiative,

Welcoming recent diplomatic initiatives aimed at realizing this goal, including Syrian-Israeli peace negotiations held under Turkish auspices and the recent Doha Agreement on Lebanon, and encouraging further progress on these tracks,

¶1. Welcomes progress made in negotiations by Israel and the Palestinian Authority aimed at realizing the shared goal of an agreement on the establishment of a Palestinian state by the end of 2008, and calls upon the parties to continue to make every effort to realize that goal;

¶2. Calls upon both sides to fulfill their obligations under the Roadmap and to refrain from any steps which could undermine confidence or prejudice the outcome of negotiations;

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¶3. Condemns all attacks targeting civilians and calls for a permanent end to these attacks and the dismantlement of terrorist infrastructure;

¶4. Expressing its deep concern at continuing settlement activity and calls upon Israel to freeze all settlement activity including natural growth, and to dismantle outposts erected since March 2001:

¶5. Underscores the urgent need for more visible progress on the ground in order to build confidence and support progress in the negotiations launched at Annapolis, Maryland on 27 November 2007;

¶6. Calls upon the Palestinian Authority to fulfill its commitment to fight terrorism and to accelerate steps to rebuild and refocus its security apparatus, welcomes the progressive transfer of security responsibilities from Israel to the Palestinian Authority to increase cooperation in that respect and to facilitate delivery of security assistance to the Palestinian Authority;

¶7. Calls on all regional states to cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terrorism;

¶8. Underscores concern about humanitarian conditions in Gaza and southern Israel and, in this regard, welcomes Egyptian efforts to restore calm in a manner that would provide security to all Palestinians and Israelis, ensure the controlled and sustained opening of the Gaza crossings for

humanitarian reasons and commercial flows, support the legitimate PA government, and work towards conditions that would permit implementation of the 2005 Agreement on Movement and Access;

¶9. Calls upon states, international organizations, and specialized agencies in a position to continue to assist in the development of the Palestinian economy, to maximize the resources available to the Palestinian Authority, and to contribute to the Palestinian institution-building program in preparation for statehood, as well as to continue to provide humanitarian assistance to Palestinians;

¶10. Decides to remain seized of the matter.

End U.S. text.

¶17. (U) Begin Libyan draft text:

Draft Resolution (as of 7 July 2008)

The Security Council,

Recalling its resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981, 904 (1994) of 18 March 1994, 1397 (2002) of 12 March 2002, and 1515 (2003) of 19 November 2003,

Recalling also the Quartet Road Map to a permanent two-State solution to the Israeli-Palestinian conflict,

Reaffirming its commitment to the two-State solution to the Israeli-Palestinian conflict, negotiated between the Israeli and Palestinian sides,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations, the principles of international law and relevant Security Council resolutions, and the necessity of the withdrawal of Israel, the occupying Power, from the Palestinian Territory, including East Jerusalem, and other Arab territories occupied since 1967,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which, inter alia, prohibits the occupying Power from transferring parts of its own civilian population to the territory it occupies, and reaffirming its applicability to the Palestinian Territory, including East Jerusalem, and other Arab territories occupied since 1967,

Condemning all unlawful Israeli policies and measures aimed at altering the demographic composition, physical character and status of the Palestinian Territory, including East Jerusalem, and other Arab territories occupied since 1967, including, inter alia, by means of the construction and expansion of settlements, the confiscation of lands and

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properties, and the displacement, transfer and expulsion of civilians,

Reiterating that Israeli settlement policies and measures in the Palestinian Territory, including East Jerusalem, and other Arab territories occupied since 1967 have no legal validity,

Taking note of the repeated statements by Council members regarding Israel's non-compliance with previous relevant resolutions and its continuing illegal construction and expansion of settlements, which seriously undermine the contiguity, integrity and unity of the Occupied Palestinian Territory, including East Jerusalem, and endanger the prospects for achieving the two-State solution in accordance

with relevant United Nations resolutions and Middle East peace initiatives.

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on the efforts to achieve peace in the Middle East,
Reiterating the importance of achieving a just, comprehensive and lasting peace in the Middle East, based on all its relevant resolutions, the Madrid terms of reference and the principle of land for peace, and stressing the importance of the Arab Peace Initiative,

Taking note of progress made in Israeli-Palestinian negotiations aimed at realizing the shared goal of an agreement on the establishment of a Palestinian State by the end of the year 2008, and calling upon the parties to continue making every effort to realize that goal,

¶1. Reaffirms that the Israeli settlements established in the Palestinian Territory, including East Jerusalem, occupied since 1967 are illegal and constitute a serious obstruction to the achievement of a comprehensive, just and lasting peace;

¶2. Condemns the acceleration of Israeli settlement activities in the recent period;

¶3. Reiterates its demand that Israel, the occupying Power, immediately and completely cease all settlement construction, expansion and planning in the Occupied Palestinian Territory, including East Jerusalem, as well as all unlawful activities intended to facilitate and advance its settlement campaign, and that it dismantle the settlements built therein, in compliance with previous resolutions;

¶4. Calls once again upon Israel to desist forthwith from the confiscation of Palestinian land under any pretext, from the demolition of homes and properties, and from the destruction of agricultural lands;

¶5. Condemns all attacks against civilians and calls for an end to all such attacks;

¶6. Calls upon both sides to fulfill their obligations under the Road Map, and to refrain from any steps which could undermine confidence or prejudice the outcome of negotiations;

¶7. Calls also upon all parties to continue, in the interest of the promotion of peace and security, with their negotiations in the Middle East peace process according to its agreed terms of reference and the implementation of the agreements reached;

¶8. Underscores in this regard the urgent need for more visible progress on the ground in order to build confidence and promote progress in the negotiations launched at the Annapolis Conference on 27 November 2007;

¶9. Calls upon the international community and United Nations organs and specialized agencies to continue providing the necessary assistance to support the Palestinian people in the various humanitarian and economic fields;

¶10. Requests the Secretary General to follow up the implementation of this resolution and to present a report on the developments in this regard as soon as possible.

End Libyan Draft Text.
RICE